

Attorney Docket No. 8056-80
(E 1875)

DECLARATION AND POWER OF ATTORNEY
(Original Application)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

FEMUR ENDOPROSTHESIS FOR ARTIFICIAL HIP JOINT

the specification of which is attached hereto and/or was filed on _____ as Application No. _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to herein.

I acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

FOREIGN PRIORITY APPLICATION(S)

Priority Claimed		
197 20 493.7	Germany	16 May 1997
(Number)	(Country)	(Day/month/year filed)

[X] Yes [] No

[] Yes [] No		
(Number)	(Country)	(Day/month/year filed)

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional patent application(s) listed below and have also identified below any United States provisional patent application(s) having a filing date before that of the application on which priority is claimed:

PROVISIONAL PRIORITY PATENT APPLICATION(S)

		Priority Claimed
(Application No.)	(Filing Date)	[] Yes [] No
		[] Yes [] No
(Application No.)	(Filing Date)	

And I hereby appoint the registered attorneys and agents associated with **Panitch Schwarze Jacobs & Nadel, P.C.**, Customer No. 000570, as my attorneys or agents with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all correspondence to Customer No. 000570, namely, **PANITCH SCHWARZE JACOBS & NADEL, P.C.**, One Commerce Square, 2005 Market Street, 22nd Floor, Philadelphia, Pennsylvania 19103-7086. Please direct all communications and telephone calls to **William W. Schwarze** at 215-965-1270.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole
or first inventor _____
Werner Grundel

Inventor's Signature _____
W. Grundel

Date filed, d 6 5. 98

Residence _____ Laboe Germany

Citizenship _____ German

Post Office Address _____ Hamburger Strasse 13

_____ 21051 Laboe Germany

Full name of second joint
inventor, if any _____ Walther Thomas

Inventor's Signature _____ *Walther Thomas*

Date Bologna, 6.5.98

Residence _____ Roma Italy

Citizenship _____ German

Post Office Address _____ Via Trieste 15

_____ I-00135 Roma Italy

000070064000000000000000

Best Available Copy

Full name of sole
or first inventor Hans Grundei

Inventor's Signature _____

Date _____

Residence Lübeck, Germany

Citizenship German

Post Office Address Hamburger Strasse 89,

23558 Lübeck, Germany

Full name of second joint
inventor, if any Wolfram Thomas

Inventor's Signature _____

Date _____

Residence Roma, Italy

Citizenship German

Post Office Address Via Teheran 15

I-00135 Roma, Italy

Attorney Docket No. 8056-80
(E 1875)

Applicant or Patentee: **Hans Grundei and Wolfram Thomas**
Application or Patent No.: **To Be Assigned**
Filed or Issued: **Herewith**
For: **FEMUR ENDOPROSTHESIS FOR ARTIFICIAL
HIP JOINT**

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- the owner of the small business concern identified below.
 an official of the small business concern empowered to act on behalf of the
concern identified below.

NAME OF CONCERN ESKA Implants GmbH & Co.
ADDRESS OF CONCERN Grapenkießersstrasse 34
23556 Lübeck
Germany

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that U.S. rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention of the above-identified patent or patent application.

If the rights held by the small business concern are not exclusive, each individual concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averting to their status as small entities. (37 CFR 1.27)

FULL NAME _____
ADDRESS _____

Individual Small Business Concern Nonprofit Organization

FULL NAME _____
ADDRESS _____

Individual Small Business Concern Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Hans Grundeij
TITLE IN ORGANIZATION Managing Director
ADDRESS OF PERSON SIGNING ESKA Implants GmbH & Co.
Grabenstrasse 34
23556 Lübeck, Germany

May 6, 1998
(DATE)


(SIGNATURE)